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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Trudi Thompson

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Applicant : John M. Saville
Application No. : 10/015,143
Filed : December 10, 2001
Title : MINIATURE ROSE PLANT NAMED 'SAVAMONT'
Grp./Div. : 1661
Examiner : Wendy C. Haas
Docket No. : 47451/CAB/N123
Customer No. : 23363

Confirmation No. 6241

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SEP 28 2004

OFFICE OF PETITIONS

PETITION TO REVIVE UNDER 37 CFR § 1.137(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
September 20, 2004

Commissioner:

Applicant hereby petitions to revive the above-identified application. The application was filed December 10, 2001 by the breeder, John M. Seville. Subsequently, Mr. Seville assigned his interest in this application to Nor'East Miniature Roses, Inc. The assignment was recorded on December 10, 2001. A Notice of Allowance on the case was received on June 13, 2003 and the issue fee was paid on September 15, 2003. Subsequently we were advised that the application had been expressly abandoned by John M. Seville. Upon review of the file history for this application, it was discovered that the Express Abandonment was filed by Mr. Seville on April 23, 2003. The Express Abandonment was filed in his name, and not in the name of the patent owner, Nor'East Miniature Roses, Inc. Accordingly, Mr. Seville was without authority to file this Express Abandonment as evidenced by Nor'East Miniature Roses continued prosecution

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of the application and, indeed, payment of the issue fee. Accordingly, this application should not have been abandoned and should proceed to issuance.

The check for the petition fee in the amount of \$665 is enclosed. The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account. **A copy of this letter is enclosed.**

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By Cynthia A. Bonner
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Reg. No. 44,548
626/795-9900

CAB/tt

Enclosures

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